

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS R. WALKER,

Plaintiff,

Case No. 05-60295

v.

Honorable John Corbett O'Meara

ZIEBART INTERNATIONAL
CORPORATION, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Thomas R. Walker filed a fourteen-count complaint in this court December 28, 2005. Count Fourteen alleges violations of the Employee Retirement Income Security Act, ("ERISA"). While alleged ERISA violations are cognizable in this court pursuant to 28 U.S.C. § 1343, the remaining counts are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the other claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts I through XIII are **DISMISSED**.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: January 30, 2006